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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,947	12/27/2000	Frank Dumont	PA000001	6473

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EXAMINER
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SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/748,947	DUMONT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SHIBRU HELEN	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

***Drawings***

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. Figures 1-2 and 4-5 are objected to under 37 CFR 1.83(a) because the proper labels or legend corresponding to all blocks must be provided. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be

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labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claim 13 is objected to because of the following informalities: a comma must be followed by the word "encoder". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-23, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan (US005371551).

5. Regarding claims 11 and 17, Logan discloses a digital video system using concurrent recording and playback, comprising:  
an encoder of a first analogue signal into a first digital stream (see Fig.1, 4B and 4C; col. 3 lines 8-11; col. 4 line 14-25);  
a decoder of a second digital stream into a second analogue signal (see Fig.1, Decompressor 8; col. 3 line 20-27);

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a medium interface for reading and recording on a medium (see Fig.1 memory system 8; col.3 line 16-20);

at least one digital source outputting a third digital stream (see Fig.1 RF tuner 4A see col.3 line 60-63);

a multiplexer coupled to the encoder and to the decoder and to the digital source and to the medium interface (see Fig.1 a switching node 3 col.3 line 8-11). It is inherent that the multiplexer must comprise a first switch, which selectively couples the decoder to the encoder or to the digital source.

6. Regarding claims 12 and 18, Logan shows in figure 1 the multiplexer (the switching node 3), which selectively couples the medium interface (memory system 5) to the encoder (input signal processing unit 12). It is inherent that the switching node (3) comprises a second switch which selectively couples the memory system (5) to the input signal processing unit (12).

7. Regarding claims 13, 16, and 19, Logan shows that the switching node(3) selectively couples the decoder (see Fig.1, Decompressor 8 col. 3 line 20-27) to the encoder(see Fig.1, 4B and 4C col. 3 lines 8-11; col. 4 line 14-25), to the digital source, (see fig.1 RF tuner 4A and col.3 line 60-63), to the transcoder(see fig.1 compressor, 4D and col. 3 line 68-70) or to the medium interface(memory system 8; see col.3 line 25-28).

8. Regarding claim 14, Logan teaches a transcoder receiving a fourth digital stream is coupled to the multiplexer (see fig.1 compressor 4D, and col. 3 line 69).

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9. Regarding claim 15, Logan shows in Fig.1 that the second switch (the switching node 3) connects the medium interface (see fig.1, memory system 5) to the encoder (see fig. 1 the compressed RF tuner 4B and 4C), to the digital source (see fig.1 4A) or to the transcoder (see fig1. compressor 4D).

10. Regarding claims 20 and 22, Logan teaches that the digital encoder coupled to a tuner for receiving analogue signals (see col. 3 line 60-63).

11. Regarding claim 21, Logan teaches an encoder of a first analogue signal changed to a first digital stream (see fig. 1, compressor 4B and 4C and col.3 line 63-67); a medium interface for reading a second digital stream on a medium must be coming from memory 5;

A decoder means (see fig.1, decompressor 8 and col.3 line 20) for allowing the decoder the first digital stream or the second digital stream into a second analogue stream (see col. 3 line 11-24).

12. Regarding claim 23, Logan teaches that the second analogue signal is sent to a display (see col. 3 line 20 and fig1. where it shows output from (8) to (10)).

13. Regarding claim 25, Logan teaches means for allowing the first digital stream (see fig. 1. RF tuner 4A in box 12, input signal processing unit) to be recorded on the medium by the medium interface (fig.1, memory 5 see col.3 line 24-27).

14. Regarding claim 26, Logan teaches in figure 1 a second switch (switching node 3) has an input connected to the encoder (signal processing unit 12) and an output connected to the medium interface (memory system 5).

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15. Claims 21 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Ochi et al (EP 0920201A1).

16. Regarding claim 21, Ochi teaches an encoder of a first analogue signal stream (see col.5 line 39-42);

a medium interface for reading a second digital stream on a medium (see fig.1, recording/reproducing unit 3 and col.5 line 19-25);

a decoder (fig.2 video/audio decoder19 and col.4 line 56-col.5 line 1-5); means for allowing the decoder to decode the first stream or the second digital stream into a second analogue stream (see fig.1 selecting unit 4 and col.3-7).

17. Regarding claim 24, Ochi shows a first switch has a first input connected to the encoder (see fig.2, input terminal 20 and col.6 line 1-2), a second input connected to the medium interface (see fig. 2, recording and reproducing unit 3 see col. 26-36), and an output connected to the decoder (see fig.2 video/audio decoder 19 and col.4line 56-col.5 line 1-5 ).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIBRU HELEN whose telephone number is 703 305 0637. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDREW I. FAILE can be reached on 703 305 4380. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



12-13-2004



NGOC-YEN VU  
PRIMARY EXAMINER